

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In the Matter of:

**CODE OF CIVILITY FOR ALL
PROCEEDINGS BEFORE JUDGE DANIEL R.
DOMÍNGUEZ**

STANDING ORDER¹

The following standards of civility were initially designed in 1996 by my esteemed colleague, United States District Judge Salvador E. Casellas “*to encourage all participants in cases before the Court to meet their legal and ethical obligations to each other, to litigants and to the system of justice, thereby achieving the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.*” The undersigned district judge hereby incorporates said standing order for all his civil and criminal cases, effective immediately, notwithstanding that the undersigned in all trials reminds the parties as to civility between counsel, which unfortunately is not always followed.

The aforementioned legal and ethical obligations of counsel extend to all those who form part of the plaintiff, prosecution and defense teams, which includes clients, investigators and experts, among others. In civil cases involving a government or corporate entity, this entails all individuals who as representatives participate in any manner in the matter before the Court, including in-house counsel even if not admitted to practice before this Court. In criminal cases, it includes the agents who assist in prosecuting the criminal conduct, as well as any individuals under their direction and supervision.

Lawyers’ Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the Court, which

¹ The instant Standing Order has been adapted, as necessary, from the Hon. Gustavo A. Gelpi’s recent *Standing Order* addressing the same situation.

includes judicial staff, special masters and monitors appointed by the Court.

2. We will be punctual and prepared for all court appearances so that all hearings, conferences, on-site inspections and trials may commence on time.
3. We will be considerate of the time constraints and pressures on the Court and court staff, special masters and monitors, inherent in their efforts to administer justice.
4. We will not engage in any conduct that brings disorder or disruption to the courtroom or any other place where Court-directed proceedings occur. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.
5. We will not knowingly misrepresent, mischaracterize or misquote facts or authorities in any oral or written communication to the Court.
6. Before dates for hearings, trials or any other proceedings are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the Court and/or its staff of any likely problems.
7. We will act and speak civilly to court bailiffs, clerks, deputies, court reporters, court interpreters, assistants, law clerks, special masters and monitors with an awareness that they, too, are an integral part of the judicial system.
8. We will at all times abide by the American Bar Association's Model Rules of Professional Conduct, as well as in civil cases comply with Fed.R.Civ.P. 11, as well as avoid all vexatious litigation, see 28 U.S.C. § 1927.

Court's Duties to Lawyers

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges, and all those under their direction, have both the obligation and the authority to insure that all proceedings are conducted in a civil manner.
2. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.
3. In scheduling all hearings, meetings and conferences, we will be considerate of time schedules of lawyers, parties, and witnesses.
4. We will make all reasonable efforts to decide promptly all matters presented to us for

decision or recommendation within the time frame authorized by the rules and regulations, with the exception of cases where the Court is awaiting a decision from an appellate court which may affect the outcome of the proceedings.

5. We will provide the issues in controversy deliberate, impartial, and studied analysis and consideration.
6. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of federal practice.
7. We recognize that a lawyer has a right and a duty to present a cause fully and properly, to litigate zealously and intellectually aggressively, and that a litigant has a right to a fair and impartial hearing.
8. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.
9. We will not adopt procedures that needlessly increase litigation expense.
10. We will call to lawyers' attention uncivil conduct which we observe and the Court may discipline counsel away from the presence of the jury, if necessary.
11. We will at all times abide by the Code of Judicial Conduct.

This Standing Order shall be notified by the Clerk of Court to all members of the bar of this Court, as well as entered in all of the undersigned's pending and future civil and criminal cases.

SO ORDERED.

In San Juan, Puerto Rico this 4th day of August, 2017.

s/ Daniel R. Domínguez
DANIEL R. DOMÍNGUEZ
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In the Matter of:

**Communications by Counsel and their Staff
with Judge Dominguez or Chambers Staff**

AMENDED STANDING ORDER¹

Counsel and their staff shall refrain **at all times** from calling the undersigned's chambers, **particularly to career and term law clerks' phone lines**, for matters such as: case-related inquiries, scheduling, CM/ECF filing technical assistance, and calendaring. Chambers' staff and Court personnel are prohibited from providing time estimates for rulings, providing legal advice, or discussing the merits of a case.

The undersigned has noticed a recent increase in telephone calls to law clerks regarding matters pertaining to cases pending in his docket. Many of these phone calls relate to simple matters which can easily be resolved by accessing the Court's CM/ECF case filing system. An alarming number of these phone calls, nonetheless, involve matters which necessarily must be addressed via motion, and not by way of *ex parte* communications by counsel and their assistants. A motion is the **only** appropriate mechanism to contact the Court. The undersigned has ordered his law clerks to perform a daily review of all filings on CM-ECF in order to ensure prompt attention to any potentially urgent matters. Phone calls to chambers are not necessary.

Accordingly, as of the date of this amended standing order, Counsel shall refrain from contacting the undersigned's chambers for any case related matter, no matter how minimal the inquiry.

On days in which the undersigned has Court proceedings scheduled, the chamber receives an

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alarming number of phone calls from attorneys calling to inform they are late, stuck in traffic, or have a last minute problem. **Attorneys are absolutely prohibited from contacting the undersigned's chambers regarding their appearance before the Court.** Professionalism and civility is the rule and not the exception. Counsel are expected to be punctual for all proceedings.

All inquiries regarding criminal matters shall be directed to the undersigned's Courtroom Deputy. For any other matters regarding the Court's Criminal and Civil Calendar, Counsel shall directly contact the undersigned's Courtroom Deputy.² For matters concerning filings with the Court, Counsel shall contact the undersigned's assigned docket clerk or Docket Quality Analyst. If you have a technical question relating to CM/ECF, please contact the CM/ECF Help Desk at (787) 772-3449. Law clerks do not handle the undersigned's calendar nor the CM/ECF filing system and, therefore, may not be contacted.

The undersigned reminds attorneys that telephone calls to Chambers and to the Clerk's Office staff must at all times conform to the Canons of Professional Conduct and Judicial Ethics.
Any direct or indirect violation of this order shall result in sanctions.

This Order amends the undersigned's January 9, 2013 Standing Order. This Standing Order shall be notified to all members of the bar of this Court, as well as entered in all of my pending cases by the Clerk of Court.

SO ORDERED.

In San Juan, Puerto Rico this 4th of August, 2017.

s/ Daniel R. Domínguez
DANIEL R. DOMINGUEZ
United States District Judge

² The Court's telephone directory is available in the Puerto Rico District Court's website. <http://www.prd.uscourts.gov/?q=telephone-directory>